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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) An expandable intervertebral implant, the implant comprising:
 - a) an external member and an internal member; and
 - b) interlocking teeth structure formed on each of the external and internal members, the interlocking teeth structure arranged to permit expansion of the intervertebral implant along a direction of expansion;
 - i) the interlocking teeth structure formed on the external and internal members including external and internal engagement surfaces, ~~the external and internal engagement surfaces~~ configured to engage one another to lock the implant in an expanded configuration against a compressive force applied to the internal and external members along a direction opposite the direction of expansion;
 - ii) wherein the external and internal engagement surfaces are arranged in a non-perpendicular orientation relative to the direction of implant expansion;

at least one of the internal and external members further comprising a flexible end portion distal to the other member.
2. (Currently Amended) An expandable intervertebral implant, the implant comprising:
 - a) an external member and an internal member, each of the members including at least a first wall;
 - b) interlocking teeth structure formed on the first walls of the external and internal members, the interlocking teeth structure arranged to permit expansion of the intervertebral implant along a direction of expansion;

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- i) the interlocking teeth structure formed on the external member having an engagement surface that engages an engagement surface on the internal member to lock the implant in an expanded configuration against a compressive force applied to the internal and external members along a direction opposite the direction of expansion; and
- ii) the engagement surfaces of the interlocking teeth structures being arranged in a non-perpendicular orientation relative to the first walls of the external and internal members;
at least one of the internal and external members further comprising a flexible end portion distal to the other member.

3. (Original) The implant of claim 2, wherein the engagement surfaces of the interlocking teeth structure formed on the external member are raked upwardly about 4 degrees.

4. (Original) The implant of claim 3, wherein the engagement surfaces of the interlocking teeth structure formed on the internal member are raked downwardly about 4 degrees.

5. (Original) The implant of claim 2, wherein each of the engagement surfaces of the interlocking teeth structure formed on the internal and external members is angled approximately 94 degrees relative to the respective first wall.

6. (Original) The implant of claim 2, wherein the first walls of the external and internal members have an inside wall surface and an outside wall surface, the interlocking teeth structure being formed only on the inside wall surface of the external member, and only on the outside wall surface of the internal member.

7. (Original) The implant of claim 2, wherein the first wall of the internal member is positioned within the first wall of the external member, the interlocking teeth structure

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formed on the first walls being configured to flex the first wall of the internal member outward toward the first wall of the external member.

8. (Original) The implant of claim 7, wherein the external member is a rigid construction configured to prevent flexure of the first wall of the external member during expansion of the intervertebral implant.

9. (Original) The implant of claim 8, wherein the internal member is a flexible construction configured to permit flexure of the first wall of the internal member during expansion of the intervertebral implant.

10. (Original) The implant of claim 9, wherein the internal member includes a slot formed adjacent to an end of the first wall to permit flexure of the first wall of the internal member during expansion of the intervertebral implant.

11. (Original) The implant of claim 9, wherein the first wall of the external member has an external wall thickness, the external wall thickness being greater than an internal wall thickness of the internal member, wherein the external wall thickness of the external member prevents flexure of the first external wall and the internal wall thickness of the internal member permits flexure of the first internal wall.

12. (Currently Amended) An expandable intervertebral implant, the implant comprising:

- a) an external member including:
 - i) a external base wall, and first and second external walls extending from the external base wall;
- b) an internal member including:
 - i) an internal base wall, and first and second internal walls extending from the internal base wall;

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- ii) the first and second internal walls positioned within the first and second external walls;
at least one of the internal and external members further comprising a flexible end portion distal to the other member; and
- c) a locking arrangement configured to lock the implant in an expanded position, the locking arrangement including:
 - i) a first configuration of teeth formed on each of the first and second external walls, the first configuration of teeth being raked in an upwardly direction; and
 - ii) a second configuration of teeth formed on each of the first and second internal walls, the second configuration of teeth being raked in a downwardly direction.

13. (Original) The implant of claim 12, wherein each of the upwardly and downwardly raked configuration of teeth of the external and internal members have a rake angle of between 1 degree and 8 degrees relative to the first and second walls of the external and internal members.

14. (Original) The implant of claim 12, wherein the first upwardly raked configuration of teeth are angled approximately 4 degrees relative to the first and second external walls of the external member.

15. (Original) The implant of claim 12, wherein the second downwardly raked configuration of teeth are angled approximately 4 degrees relative to the first and second internal walls of the internal member.

16. (Original) The implant of claim 12, wherein the first and second configurations of teeth are configured to deflect the internal walls of the internal member outward toward the

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external walls of the external member when compressive force are applied to the base walls of the external and internal members.

17. (Currently Amended) An expandable intervertebral implant, the implant comprising:

- a) an first member having a first base portion and walls extending from the first base portion;
- b) a second member having a second base portion and walls extending from the second base portion;
at least one of the base portions of the internal and external members further comprising a flexible portion; and
- c) interlocking structure formed on each of the first and second members, the interlocking structure being configured to secure the implant in an expanded configuration;
- d) wherein the interlocking structure formed on the first and second members is configured to flex the walls of the second member toward the walls of the first member when compressive forces are applied to the base portions of the first and second members.

18. (Original) The implant of claim 17, wherein the interlocking structure include ratchet teeth configured to permit linear expansion from a non-expanded configuration to the expanded configuration.

19. (Original) The implant of claim 18, wherein only the walls of the second member are configured to ratchet during expansion, and only the walls of the second member are configured to flex when compressive forces are applied to the base portions of the first and second members.

20. (Currently Amended) An expandable intervertebral implant, comprising:

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- a) a first member and a second member configured to expand between a first position and a second position along an expansion axis of the implant;
- b) an engagement structure interlocking the first and second members, the engagement structure including at least one engaging surface configured to lock the first and second members against a compressive force applied to the first and second members along the expansion axis, the engaging surface having a non-perpendicular orientation relative to the expansion axis of the implant;
at least one of the first and second members further comprising a flexible end portion at distal to the other member.

- 21. (New) The implant of claim 1, wherein the flexible end portion comprises an arcuate portion.
- 22. (New) The implant of claim 21, wherein the member comprising the arcuate portion further comprises a shoulder portion having a surface generally perpendicular to the direction of expansion and recessed relative to at least part of the arcuate portion in the direction of expansion.
- 23. (New) The implant of claim 22, wherein at least a portion of the arcuate portion and at least a portion of the shoulder portion define a gap therebetween.
- 24. (New) The implant of claim 23, wherein the gap comprises an arcuate slit.
- 25. (New) The implant of claim 22, wherein the member comprising the arcuate portion further comprises an additional shoulder portion having a surface generally perpendicular to the direction of expansion and recessed relative to at least part of the arcuate portion in the direction of expansion, the two shoulder portions disposed on opposite sides of the arcuate portion when viewed in the direction of expansion.